



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

MEMORANDUM

Date: July 20, 2015 (Revised)
From: Frances A. Pedrigi & Mark Saulnier
DHSR - Construction Section
Subject: **Revised Guidelines for Applicable Portions of the North Carolina State Building Code for Newly Licensed Mental Health Facilities and Family Care Homes.**

We have provided a clarification as to what is required according to the Licensure Rules for newly licensed facilities to meet portions of the current North Carolina State Building Code at the time of initial licensing. The specific rules are under Licensure Rules for Mental Health, Developmental Disabilities and Substance Abuse Facilities and Services which references Licensure Rule 27G .0301(a) and the Family Care Homes Licensure Rules references Licensure Rule 13G .0302(a). These rules require newly licensed facilities to meet **the applicable portions of the current NCSBC** at the time of original Licensing. Based on this, the following has been determined to be the requirements of the current code:

1. **Dwelling Exit** –At least one exterior egress door shall be provided for each dwelling unit. The egress door shall be side-hinged and provide a minimum clear width of 32 inches when measured from face of door and the stop with the door open 90 degrees. Minimum height shall be 78". (2012 edition NC Residential Code; Section R311.2) *(At least one exit from each dwelling unit without requiring exit through a garage. It must be a side-hinged door not less than 3'-0" in width and 6'-8" in height. The minimum width of a hallway or exit access shall be not less than 3' and all doors from habitable spaces shall be a nominal 2'-6" wide and 6'-8" high –adopted 1993 edition.)* [FCH Licensure Rule 13G .0312(a) requires all floor levels shall have at least two exits with one being minimum 3'-0" and the other 2'-8".] **If licensed under NCSBC - Section 425 - you are required to have 2 remotely located exits.**
2. **Dwelling Exit Locking Mechanism** –All interior egress doors and a minimum of one exterior egress door shall be readily operable from the side from which egress is to be made without the use of a key or special knowledge or effort (2012 edition NC Residential Code Section R311.2). *(Any Deadbolt lock that is operable only with the use of a key can be construed as an obstruction to the exit. Violation of The Rules for Mental Health, Developmental Disabilities and Substance Abuse Facilities and Services, May 1996 Edition Section .0304(b)(1).* [MHL Facilities have no requirement for single action locks from the interior of the facilities. You may have a thumb latch or deadbolt lock. FCH Licensure Rule 13G .0312(d) requires all exit door locks to be easily operable by a single-hand motion without the use of keys. Existing deadbolts or turn buttons must be removed or disabled.]
3. **Smoke Detectors** – Smoke alarms shall be installed in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling unit including basements and finished attics. All alarm devices shall be interconnected so if one sounds, they all sound. Each alarm shall receive

Construction Section

www.ncdhhs.gov • www.ncdhhs.gov/dhsr

Tel 919-855-3893 • Fax 919-733-6592

Location: Williams Building, 1800 Umstead Drive • Raleigh, NC 27603

Mailing Address: 2705 Mail Service Center • Raleigh, NC 27699-2705

An Equal Opportunity / Affirmative Action Employer



their primary power from the building wiring and have battery back-up. (2012 edition NC Residential Code Section R314.3) (Per the National Electrical Code – Section 210-71 (effective July 1, 1999) in One and Two Family Dwelling units there must be a minimum of one 120-volt smoke detector permanently connected to house current with battery back-up, installed in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling including basements and cellars (not to include uninhabitable attics or crawlspaces). If the dwelling unit is a split level, a smoke detector needs to be installed only on the upper level, provided the lower level is less than one full story below the upper level and there is no door between levels. All detectors shall be interconnected so that the actuation of one alarm will actuate all alarms. Between 1975 and 1999 there was no requirement for a smoke detector to be located in each sleeping room but you were required to have an electrically operated smoke detector (no battery backup) outside the bedroom areas.)

4. **Ground-fault Interrupter Protection** – Per NEC – Section 210.8(A) requires GFCI outlets in bathrooms, Garages, Outdoors, Crawlspace, Unfinished basements, Kitchen countertops and at wet bar sinks. *(We are applying this only to existing outlets, not requiring the addition of outlets if not provided). Also, Jan.1, 1973 required on all outside electrical outlets, Jan. 1, 1975 required in bathrooms including integral ones on light fixtures, 1987 required in kitchens within 6' of sinks and 1996 all kitchen counter receptacles.*
5. **Kitchen Range Hood** – **If there is a range hood installed it must be vented to the outdoors or the range hood must be an approved-labeled unvented hood installed in accordance with the manufacturers' instructions. (No requirement for ducting material in NCSMC unless it is a downdraft then refer to 2012 edition NC Residential Code Section Part V NCSMC Section 505.1.)**
6. **Clothes Dryers** – Exhaust ducts must have a smooth interior finish and be constructed of metal a minimum of 0.016 inch thick. With the exception of the transition duct, flexible ducts are prohibited. (2012 edition NC Residential Code -Part V- Section 504.6.)
7. **Garages** – **Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. (2012 edition NC Residential Code Section R302.5.1).**
8. **Interior Finish** – Wall and ceiling finishes must have a flame spread index of not greater than 200 and smoke developed-index of no greater than 450 - Class C. (2012 edition NC Residential Code Section R302.9) *Prior to NCSBC – Vol. VII - July, 1992 there is no known requirement. This means that wood paneling in a single family home, must be treated with fire retardant paint unless documentation is provided verifying the Class C rating. (We are accepting mill lumber paneling with no varnish finish as acceptable). **This requirement does not apply to interior of closets, uninhabitable storage rooms or garages per ruling from Mark Bailey at DOI in 2008.***
9. **Pan Drain Termination** – **The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof, shall not be directly connected to the drainage system. The discharge from the relief valve shall be piped full size and terminate less than 6 inches above the floor or waste receptor. [We accept Copper or CPVC pipe] (NCSPC-2012 edition; Section 504.6.)**

In addition to the above items that are required from the current code, the following is an overview of additional safety features we look for with specific references to the edition of the NCSBC or if underlined must meet the current rule. Some items have also been identified as having a Licensure Rule that is more stringent depending on the type of licensed facility:

10. **Water Temperature** – In areas of the facility where clients/residents are exposed to hot water, the temperature of the water shall be maintained between 100 – 116 degrees Fahrenheit. [Rule .27G .0304(b)(4) under Mental Health, Developmental Disabilities and Substance Abuse Facilities and Services, since 2001 amendment to May 1996 Edition and Rule 13G .0317(d) under the Family Care Home Licensure Rules originally adopted under 1984 edition of the Rules for temperatures between 100 – 110 degrees and revised 4/87 to between 100 - 116 degrees.]

11. **Exit Lighting** – Must provide a means to illuminate all interior and exterior stairs and have a switchable light fixture on the exterior of any required exits. *(Required since 1975 in Volume IV NEC and currently 2012 edition of the NC Residential Code – Section R303.6).*
12. **Stair Landings** – A minimum of a 3' x 3' landing shall be required on each side of an egress door and be no lower than 1 ½ - 2" below the threshold. **EXCEPT** – landings are not required if the door does not swing out over the stairs and, if there is one provided, the landing at an exterior door can be 8 ¼ - 8 ½ " below the threshold. Exterior storm and screen doors are exempt from the requirements for landings. *(Prior to 1993 there was no requirement but currently 2012 edition of the NC Residential Code – Section R311.7.5).*
13. **Railings** – Porches, balconies or raised floor surfaces located more than 30" above grade shall have guardrails not less than 36" in height. Handrails shall be provided continuous for the length of any open stair with a height between 34" – 38". *(Prior to 1993, guardrails were required for any porch or entrance platform 36" or more above grade. The railings could be 30" high as well as the handrails down the stairs.) (Prior to 2012 edition of the NC Residential Code – Section R311.7.7 the height requirement was between 30"-38").* [Reference Family Care Home Licensure Rule 13G .0312(f)]
14. **Emergency Egress** - Every sleeping room, basements and habitable attics shall have at least one openable window or exterior door approved for emergency egress. The units must be operable without the use of key or tool to a full clear opening. If a window is provided, the sill height may not be more than 44" above the floor. These must provide a clear opening of 4 square feet. The minimum height shall be 22 inches and minimum width shall be 20 inches *(Required since 1995 revision of the NC Residential Building Code). (For buildings built under the previous Residential Building Code the requirements allowed for a sill height of 48" and an opening of 432 square inches in area with a minimum dimension of 16" and applied only to sleeping rooms.. Currently 2012 edition of NC Residential Code – Section R310 requires these openings for Basements, Habitable attics and all sleeping rooms).* [Reference Family Care Home Licensure Rule 13G .0308(g) which requires the bedroom window sill height to be a maximum of 44" since 2005. Prior to that the Licensure Rules required a sill height of 36".]
15. **Bathroom Ventilation** – Bathrooms shall be provided with windows of not less than 3 square feet of which one-half must be operable. The glazed areas are not required if an approved mechanical ventilation system is provided capable of producing a minimum of 50 cubic feet per minute of intermittent ventilation or 20 cubic feet per minute of continuous ventilation. *(Required since 2002 edition of the NC Residential Code. 1996 edition allowed glazed areas or change of air every 12 minutes vented directly to the outside. Prior to 1996 the window area requirement is the same but in lieu of the window they could provide metal ducts with at least 72 square inches in open area extending to the outside.) (Apartments were only required to have windows and/or vents in bathrooms with more than two water closets up to 1994).*
16. **Heating and air-conditioning** – Prior to 1988, air conditioning was not a requirement. *(Current requirements under 2012 NC Residential Code - Section R303.8).* [Reference Family Care Home Licensure Rule 13G .0317 (b) & (c) which requires heating and air conditioning or fan to maintain 75 degrees in winter and 80 degrees in summer.]
17. **Fireplaces and Woodstoves** – Must meet the Building Code in effect at the time the building was built or fireplace/woodstove added. Factory built fireplaces must be listed and labeled and tested according to UL 217. *(2012 edition of NC Residential Code – Section R1004).* Owner must be aware of their liability for the physical safety of clients, staff and visitors. [Family Care Home Licensure Rule 13G .0317(g).]
18. **Storage of Flammables** – In dwellings and apartment houses containing not more than three dwelling units and their accompanying attached or detached garages, it is prohibited to store flammables in excess of 25 gallons not including fuel oil for oil burner service. *(1991 NCSBC – Fire Prevention Section 904.2.3. Current 2012 edition of Fire Code – Administrative Section – 105.6.16 has requirements for optional permits for storage of Class I liquids in excess of 5 gallons unless in a motor vehicle and Class II and IIIA in excess of 25 gallons.)*
19. **Fire Extinguishers** – Fire extinguishers shall be installed in licensed residential care facilities in accordance with the NC Fire Prevention Code per 2012 NCSBC – Section 425.1.1. [Family Care Home Licensure Rule 13G .0316(a) but

no requirement per Mental Health Licensure Rules or the Building Code.] *(Often the local Fire Marshal will require this.)*

20. **Under stair protection** –Enclosed accessible space under stairs (exit stairs) shall have walls, under-stairs surface and soffits protected on the enclosed side with ½” gypsum board. *(Introduced in 1993 edition of Volume VII and current edition of 2012 NC Residential Code – Section R307.2).*
21. **Number of Residents** – It has been determined by the DHSR – Construction Section along with the Department of Insurance that all children under the age of six, any developmentally challenged child or adult and any elderly adults residing in the facility that may need assistance in evacuating the facility in the case of an emergency must be counted when determining the number of residents. The Applications request clarification of all residents as well as other live-in persons to assist us in classifying the facility under section of the North Carolina State Building Code that is applicable.
22. **Mattresses** – Mental Health Licensure Rule 27G .0304 requires all mattresses purchased for existing or new facilities to be fire retardant. The requirements for Fire Retardant Mattresses has changed. We are requesting at a minimum that the Owner/Provider provide documentation that the majority of materials that make up the mattresses are Fire Retardant materials. **Please note that there is a newly adopted equivalency that can be met in lieu of meeting this Fire Retardant mattress requirement. If the facility meets the requirements for Smoke Detection in Item #3 above, in facilities licensed for six or fewer all ambulatory residents, the fire retardant mattresses are not required.** Be aware that the Fire Retardant requirements (if applicable) apply to ALL mattresses within the facility. *(Does not apply to licensed Family Care Homes.)*
23. **Swimming Pools** – Reference 2012 North Carolina State Residential Building Code; Appendix G – Swimming Pools, Spas and Hot Tubs. *(Previous editions of the NC State Residential Code only enforced this with the adoption by the local Jurisdiction.)*